

**IN THE UNITED STATES DISTRICT
FOR THE DISTRICT OF NEW MEXICO**

MIGUEL LUJAN, *PRO SE*,

Plaintiff,

v.

No. 15-CV-00093 KG/LF

**CITY OF ESPAÑOLA, ESPAÑOLA POLICE
DEPARTMENT, OFFICER LUGINBUHL,
AND OFFICER MARTINEZ,**

Defendants.

**MOTION TO SUSPEND REQUIREMENT TO FILE REPLY
TO MARTINEZ REPORT**

COME NOW Defendants, by and through their counsel of record Basham & Basham P.C. (Mark A. Basham and Stephen C. Ross), and move the Court to suspend the requirement to file a Reply to the *Martinez* report pending further instructions of the Court, on the following grounds:

1. This matter was initiated by the Plaintiff *pro se*.
2. On October 1, 2015, the Court required Defendants to prepare a *Martinez* report.¹
3. After an extension of time to file the Report, Defendants filed the *Martinez* report on December 29, 2015. *See* Document No. 30.
4. Plaintiff *pro se* filed his Response to the *Martinez* report on January 28, 2016.
Document No. 33.
5. The Court has ordered that the Defendants' Reply to the *Martinez* report be filed today. *See* Document 31 (text only).

¹ In *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1978), the Tenth Circuit Court of Appeals held that a District Court may order that Defendants investigate the incident which is subject of a *pro se* Complaint and submit a report. The report is intended to assist the Court to determine whether a meritorious claim exists.

6. On February 19, 2016, Attorney Carey Bhalla contacted the undersigned and stated she was assuming representation of Plaintiff in this matter. As Attorney Carey Bhalla now represents the Plaintiff he is no longer *pro se*.

7. Just how this new development affects the present proceedings will be determined by the Court. Prior to knowing that Plaintiff has become represented, Defendants prepared their Reply and it is ready to file, if the Court directs.

8. Until this development is sorted out, it seems prudent to delay submission of the Reply brief until further order of the Court.

9. Attorney for Plaintiff has been contacted and concurs in this Motion.

WHEREFORE, Defendants move the Court to suspend the filing of the Reply Brief to the Martinez report until further order of the Court, and for such other and further relief as the Court may deem appropriate.

Respectfully submitted by:

Basham & Basham, P.C.

/s/ **Mark A. Basham**

Mark A. Basham

Stephen C. Ross

2205 Miguel Chavez, Suite A

Santa Fe, New Mexico 87505

505-988-4575

Fax: 505-992-6170

mbasham@bbpcnm.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of February, 2016, I filed the foregoing *Motion to Suspend Requirement to File Reply to Martinez Report* and mailed a copy by U.S. Mail, First Class, to:

Carey C. Bhalla, Esq.
Law Office of Carey C. Bhalla LLC
1011 Lomas Blvd. NW
Albuquerque, New Mexico 87102-1952

/s/ **Mark A. Basham**

Mark A. Basham